



**ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 1995 ASSEMBLY BILL 146**

June 28, 1995 – Offered by Representative NOTESTEIN.

1     **AN ACT to amend** 767.11 (8) (b) 2., 767.11 (10) (e) 2., 767.24 (2) (b) 2. c., 767.24  
2           (5) (i), 971.37 (1m) (a) 2. and 973.055 (1) (a) 1.; and **to create** 940.20 (7) and  
3           940.20 (8) of the statutes; **relating to:** battery to a pregnant female resulting  
4           in great bodily harm to or death of her fetus.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

5           **SECTION 1.** 767.11 (8) (b) 2. of the statutes is amended to read:

6           767.11 (8) (b) 2. Interspousal battery as described under s. 940.19 or 940.20 (7)  
7           or (8) or domestic abuse as defined in s. 813.12 (1) (a).

8           **SECTION 2.** 767.11 (10) (e) 2. of the statutes is amended to read:

9           767.11 (10) (e) 2. There is evidence of interspousal battery as described under  
10          s. 940.19 or 940.20 (7) or (8) or domestic abuse as defined in s. 813.12 (1) (a).

11          **SECTION 3.** 767.24 (2) (b) 2. c. of the statutes is amended to read:

12          767.24 (2) (b) 2. c. The parties will be able to cooperate in the future decision  
13          making required under an award of joint legal custody. In making this finding the  
14          court shall consider, along with any other pertinent items, any reasons offered by a

1 party objecting to joint legal custody. Evidence that either party engaged in abuse  
2 of the child as defined in s. 48.981 (1) (a) and (b) or 813.122 (1) (a) or evidence of  
3 interspousal battery as described under s. 940.19 or 940.20 (7) or (8) or domestic  
4 abuse as defined in s. 813.12 (1) (a) creates a rebuttable presumption that the parties  
5 will not be able to cooperate in the future decision making required. This  
6 presumption may be rebutted by clear and convincing evidence that the abuse will  
7 not interfere with the parties' ability to cooperate in the future decision making  
8 required.

9 **SECTION 4.** 767.24 (5) (i) of the statutes is amended to read:

10 767.24 (5) (i) Whether there is evidence of interspousal battery as described  
11 under s. 940.19 or 940.20 (7) or (8) or domestic abuse as defined in s. 813.12 (1) (a).

12 **SECTION 5.** 940.20 (7) of the statutes is created to read:

13 940.20 (7) BATTERY TO A PERSON RESULTING IN FETAL INJURY. Whoever  
14 intentionally causes bodily harm to a person who he or she knows or has reason to  
15 know is pregnant, resulting in great bodily harm to the fetus that that person is  
16 carrying, without the consent of the injured person, is guilty of a Class D felony.

17 **SECTION 6.** 940.20 (8) of the statutes is created to read:

18 940.20 (8) BATTERY TO A PERSON RESULTING IN FETAL DEATH. Whoever  
19 intentionally causes bodily harm to a person who he or she knows or has reason to  
20 know is pregnant, resulting in the death of the fetus that that person is carrying,  
21 without the consent of the injured person, is guilty of a Class B felony.

22 **SECTION 7.** 971.37 (1m) (a) 2. of the statutes is amended to read:

23 971.37 (1m) (a) 2. An adult accused of or charged with a criminal violation of  
24 s. 940.19, 940.20 (3), (7) or (8), 940.225, 940.23, 940.285, 940.30, 940.42, 940.43,  
25 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 or

1 947.012 and the conduct constituting the violation involved an act by the adult  
2 person against his or her spouse or former spouse, against an adult with whom the  
3 adult person resides or formerly resided or against an adult with whom the adult  
4 person has created a child.

5 **SECTION 8.** 973.055 (1) (a) 1. of the statutes is amended to read:

6 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified  
7 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (3), (7) or (8), 940.21,  
8 940.225, 940.23, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44, 940.45,  
9 940.48, 941.20, 941.30, 943.01, 943.14, 943.15, 946.49, 947.01 or 947.012 or of a  
10 municipal ordinance conforming to s. 941.20, 941.30, 943.01, 943.14, 943.15, 946.49,  
11 947.01 or 947.012; and

12 **SECTION 9. Initial applicability.**

13 (1) This act first applies to offenses committed on the effective date of this  
14 subsection.

15 (END)